

Waiver Requests

Through the Comprehensive Permit, the Hingham Board of Appeals has the authority under M.G.L. chapter 40B and its implementing regulations to waive requirements of local bylaws; further, the Board of Appeals can act on behalf of any local permitting authority through the Comprehensive Permit process. The project plans reflect an attempt to minimize the number of waivers requested and we believe reflects a plan that is contextually appropriate on several different levels. Following please find a revised table of the waivers necessary to permit the proposed project; this list will be updated as necessary as permitting proceeds.

WAIVERS FROM ZONING			
LOCAL REGULATION	REQUIREMENT	PROPOSED	WAIVER REQUIRED
1. Section III-A – Schedule of Uses (Sub-Section 1.4) and all provisions Section IV-E, Multi-Unit Development	Apartment House if subject to the provisions of Section IV-E, Multi-Unit Development, and is not allowed in an Office Park District	Project as shown on Plan.	X
2. Section IV- A – Dimensional Requirements	Max. Bldg. Height = 35 ft. Max. Floor Area Ratio = 0.15 Min. Front Yard = 100 ft.	Bldg. Height = 63+/- ft. Floor Area Ratio = 0.60 Front Yard = 85.5 ft. (frontage north of Building 1)	X
3. Section IV-B-5 – Special Requirement to Schedule of Dimensional Requirements	Min. 20’ wide open & green space maintained along entirety of property line.	Waiver to allow less than 20’ of open & green space maintained along property line; specifically for (i) pedestrian and vehicular connections, (ii) walkway abutting Lynch Fields; (iii) walkway on westerly side of entrance drive abutting Bare Cove Park; and (iv) the Building 2 move-in loading area access drive.	X
4. Section IV-C.5 – General Intensity Provisions	No more than one dwelling unit per any single lot.	Waiver to allow 220 dwelling units on a single lot.	X
5. Section V-A – Off-Street parking requirement – Residential Use	2 parking spaces per dwelling unit; Length 18 ft. with overhang, 20 ft. without overhang	1.55 parking spaces per dwelling unit; Length 18 ft. without overhang within garage	X
WAIVERS FROM GENERAL BY-LAWS			
1. Article 10-34.A – Public Ways and Common Land	The removal of soil, loam, sand or gravel from any land in the town not in public use to any location outside the town is prohibited.	A waiver is required to allow soil, loam, sand and gravel to be removed from the Town (as pertinent).	X

By requesting the foregoing waivers from local bylaws and regulations, it is the intention of the Applicant to request a Comprehensive Permit to permit construction of the Project as shown on the Plan. If, in reviewing the Applicant’s building permit application(s), the Building Commissioner determines that any additional waiver from local bylaws or regulations is necessary to permit construction to proceed as shown on the Plan, the Applicant requests that the Building Commissioner proceed as follows: The Applicant shall be informed of any additional waiver required and (a) any matter determined by the Building Commissioner to be of a de minimus nature shall be deemed within the scope of the waivers granted by the Comprehensive Permit; or (b) for any matter determined by the Building Commissioner not of a de minimus nature, including but not limited to potential adverse impacts on public health, safety, welfare or the environment, Applicant may submit a request to the Board for a determination under 760 CMR 56.05(11).